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Attorneys for Defendant

ROWELL RANCH RODEO INC.

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

JOSEPH P. CUVIELLO and DENIZ
BOLBOL, individually,

Plaintiffs,

v.

ROWELL RANCH RODEO, INC.;
HAYWARD AREA RECREATION AND
PARK DISTRICT; HAYWARD AREA
RECREATION AND PARK DISTRICT
PUBLIC SAFETY MANAGER/RANGER
KEVIN HART; and DOES 1 through 2, in
their individual and official capacities, jointly
and severally.

Defendants.

Case No.: 3:23-CV-01652

**DECLARATION OF OSMAAN KHAN IN
SUPPORT OF DEFENDANT ROWELL
RANCH RODEO INC.'S CROSS-MOTION
FOR SUMMARY JUDGMENT, OR IN THE
ALTERNATIVE SUMMARY
ADJUDICATION**

Date: August 15, 2024

Time: 10:00 a.m.

Dept.: 5, 17th Floor

Judge: Hon. Vince Chhabria

Complaint Filed: April 6, 2023

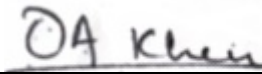
Trial: October 21, 2024

I, Osmaan Khan, declare as follows:

1. I am an attorney in good standing and licensed to practice law in the State of California and before this Court. I am an Associate in the Walnut Creek office of the law firm of Gordon Rees Scully Mansukhani, LLP, counsel for Defendant ROWELL RANCH RODEO INC. ("Defendant") in the above-captioned action. I make this declaration based on my own personal knowledge. If called upon to testify as to the contents of this Declaration, I could and would do so truthfully and competently.

2. Attached hereto as **Exhibit 1** is true and correct copies of excerpts of Plaintiff Joseph CuvIELLO's Deposition Transcript.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed this tenth day of July 2, 2024 at Oakland, California.



Osmaan Khan

Gordon Rees Scully Mansukhani, LLP
100 Pringle Avenue, Suite 300
Walnut Creek, CA 94596

EXHIBIT 1

JOSEPH CUVIELLO
FEBRUARY 20, 2024

JOB NO. 843103

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

JOSEPH P. CUVIELLO and)
DENIZ BOLBOL, individually)
)
Plaintiffs,)
)
vs.) Case No. 3:23-cv-01652-VC
)
ROWELL RANCH RODEO, INC.,)
HAYWARD AREA RECREATION AND)
PARK DISTRICT, HAYWARD AREA)
RECREATION AND PARK DISTRICT)
PUBLIC SAFETY MANAGER KEVIN)
HART, and DOES 1 and 2, in)
their individually and)
official capacities, jointly)
and severally,)
)
Defendants.)
_____)

VIDEOTAPED DEPOSITION OF JOSEPH CUVIELLO, taken
at 180 Montgomery Street, Suite 1200, San Francisco,
California on Tuesday, February 20, 2024, at 9:09 A.M.,
before April Wood Brott, Certified Shorthand Reporter
Number 13782, in and for the State of California.

STENO
concierge@steno.com
(888) 707-9366

JOSEPH CUVIELLO
FEBRUARY 20, 2024

JOB NO. 843103

10:41:30 1 Q. Okay. And during that interaction with
10:41:32 2 Kevin Hart, did you specifically ask Deputy Mayfield
10:41:35 3 as to whether he was going to arrest you?

10:41:37 4 A. Yes.

10:41:38 5 Q. What was the purpose of that?

10:41:39 6 A. The purpose was to find out what would
10:41:42 7 happen if we don't go to the free speech area
10:41:45 8 because in my experience, Kevin Hart was telling us,
10:41:48 9 "You need to go there, and if you don't go there,
10:41:51 10 it's not going to be good," and so I wanted to know
10:41:53 11 if we don't go there, what's going to happen. You
10:41:56 12 know, so I asked Deputy Mayfield, "What are you
10:41:59 13 going to do if we don't go there?"

10:42:02 14 Q. And why did you want to know?

10:42:04 15 A. Because he was the only one, I understood
10:42:07 16 at that time, to be able to arrest us, and I wanted
10:42:07 17 to know if we were going to be arrested or not. And
10:42:08 18 I told him specifically, "I don't want to be
10:42:10 19 arrested." So I said, "If you're going to arrest
10:42:12 20 me, I'll leave," and that's it.

10:42:14 21 Q. How did you respond?

10:42:16 22 A. He said, "You could be arrested."

10:42:18 23 Q. Did he ever tell you that he was actually
10:42:21 24 going to arrest you?

10:42:21 25 A. No.

JOSEPH CUVIELLO
FEBRUARY 20, 2024

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10:42:22 1 Q. And if he had indicated he was going to
10:42:32 2 arrest you if you didn't leave, what would you have
10:42:34 3 done?

10:42:34 4 A. I would have gone to the free speech area
10:42:39 5 or maybe on the street, whatever I thought was the
10:42:42 6 better location.

10:42:42 7 Q. And like the interaction you had either in
10:42:45 8 2018 or 2019, did you make a recommendation that he
10:42:48 9 call his watch commander?

10:42:49 10 A. Yes.

10:42:49 11 Q. Okay. Why did you do that?

10:42:50 12 A. It's my experience that the officers on the
10:42:52 13 street aren't as respectful of our rights as I think
10:42:56 14 they should be, and we've had them call their watch
10:42:59 15 commanders, who seem to be more knowledgeable maybe.
10:43:02 16 And, like, my experience in 2018 or 2019, you know,
10:43:06 17 "Call the watch commander," and the watch commander
10:43:09 18 said, "Everything's good," and so I said, "Call the
10:43:15 19 watch commander because I think -- my experience,
10:43:17 20 like I said, is he's going to know more than you, so
10:43:20 21 please call the watch commander."

10:43:22 22 Q. And at some point did Deputy Mayfield get
10:43:24 23 on the phone?

10:43:25 24 A. Yes.

10:43:25 25 Q. Okay. And he walked away from where you

JOSEPH CUVIELLO
FEBRUARY 20, 2024

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10:47:31 1 A. No.

10:47:32 2 Q. Other than talking to you and asking you, I
10:47:34 3 think you said, not to block anybody and stay off
10:47:37 4 the roadway, do you remember him saying anything
10:47:40 5 else to you?

10:47:40 6 A. That's the gist of it.

10:47:42 7 Q. Okay. At that point did you believe you
10:47:53 8 were going to be arrested?

10:47:54 9 A. No.

10:48:02 10 Q. And what's the next interaction that you
10:48:05 11 recall with any of the deputies?

10:48:06 12 A. I don't recall if I had another interaction
10:48:16 13 with any of them out front. I think some of the
10:48:19 14 other activists did, but I don't recall having one,
10:48:22 15 but I do recall having an interaction with Mayfield
10:48:24 16 out back at the lower entrance.

10:48:34 17 Q. At some point the video conversation you
10:48:36 18 had with a person by the name of Margo -- do you
10:48:40 19 know Margo?

10:48:40 20 A. Yes, yes. Margo.

10:48:42 21 Q. Okay. Who is Margo?

10:48:43 22 A. She's an activist.

10:48:44 23 Q. And did she arrive later to that protest on
10:48:47 24 that day?

10:48:47 25 A. Yes.

JOSEPH CUVIELLO
FEBRUARY 20, 2024

JOB NO. 843103

REPORTER'S CERTIFICATION

I, April Wood Brott, Certified Shorthand Reporter
in and for the State of California, do hereby certify:

That the foregoing witness was by me duly sworn;
that the deposition was then taken before me; that the
testimony and proceedings were reported stenographically
by me and later transcribed into typewriting under my
direction; that the foregoing is a true record of the
testimony and proceedings taken at that time.

IN WITNESS WHEREOF, I have subscribed my name
on this date: February 27, 2024.



April Wood Brott, CSR No. 13782

PROOF OF SERVICE

Cuviello, et al. v. Rowell Ranch Rodeo Inc., et al.
USDC - Northern District of California, Case No. 3:23-CV-01652

I am a resident of the State of California, over the age of eighteen years, and not a party to the within action. My business address is: Gordon Rees Scully Mansukhani, LLP, 100 Pringle Avenue, Suite 300, Walnut Creek, CA 94596. On the date set forth below, I served the within documents:

DECLARATION OF OSMAAN KHAN IN SUPPORT OF DEFENDANT ROWELL RANCH RODEO INC.'S OPPOSITION TO PLAINTIFF'S MOTION FOR PARTIAL SUMMARY JUDGMENT

☐ by transmitting via facsimile the document(s) listed above to the fax number(s) set forth below on this date before 5:00 p.m.

☒ **VIA E-MAIL OR ELECTRONIC TRANSMISSION:** I caused a copy of the document(s) to be sent by electronically mailing a true and correct copy through the Gordon Rees Scully Mansukhani, LLP electronic mail system from my email address: khernandez@grsm.com, to the email address(s) set forth herein.

☐ by having Nationwide PERSONALLY DELIVER the document(s) listed above to the person(s) at the address(es) set forth below.

☐ by placing the document(s) listed above in a sealed envelope with postage thereon fully prepaid, in United States mail in the State of California at San Francisco, addressed as set forth below.

☐ by placing a true copy thereof enclosed in a sealed envelope, at a station designated for collection and processing of envelopes and packages for overnight delivery by FEDEX as part of the ordinary business practices of Gordon Rees Scully Mansukhani, LLP described below, addressed as follows:

Attorneys for Plaintiff DENIZ BOLBOL Lily Rivo, Esq. GREENFIRE LAW, PC 2748 Adeline Street, Suite A Berkeley, CA 94703 Tel: (510) 900-9502 Fax: (510) 900-9502 Email: lrivo@greenfirelaw.com jblope@greenfirelaw.com	Plaintiff In Pro Per Joseph P. Cuviello 205 De Anza Blvd. San Mateo, CA 94402 P.O. Box 2834 Redwood City, CA 94064 Tel: (650) 315-3776 Fax: Email: pcuvie@gmail.com
Attorneys for Defendants COUNTY OF ALAMEDA; ALAMEDA COUNTY DEPUTY SHERIFF'S OFFICE; and JOSHUA MAYFIELD William B. Rowell, Esq. Thiele R. Dunaway, Esq. Marc Brainich, Esq. Michele C. Kirrane, Esq. FENNEMORE WENDEL 1111 Broadway, 24 th Floor	Attorneys for Defendants HAYWARD AREA RECREATION AND PARK DISTRICT, and KEVIN HART Dale L. Allen, Jr., Esq. Nicholas D. Syren, Esq. ALLEN, GLAESSNER, HAZELWOOD & WERTH, LLP 180 Montgomery Street, Suite 1200 San Francisco, CA 94104

<p>Oakland, CA 94607 Tel: (510) 834-6600 Fax: (510) 834-1928 Email: browell@fennemorelaw.com rdunaway@fennemorelaw.com mbrainich@fennemorelaw.com mkirrane@fennemorelaw.com lmason@fennemorelaw.com</p>	<p>Tel: (415) 697-2000 Fax: (415) 813-2045 Email: dallen@aghwlaw.com erodas@aghwlaw.com mhernandez@aghwlaw.com dallen@aghwlaw.com kallen@aghwlaw.com erodas@aghwlaw.com nsyren@aghwlaw.com</p>
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I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Executed on July 2, 2024 at Sacramento, California.


Kristie Hernandez

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Walnut Creek, CA 94596